

# ADMINISTRATIVE OFFICE OF THE COURTS

## TITLE VI IMPLEMENTATION PLAN

### 2009 UPDATE

#### I. Overview of the Administrative Office of the Courts

The Administrative Office of the Courts provides support services to the Tennessee Supreme Court and the entire state court system. The director, appointed by the Supreme Court, is the administrative officer for the courts and oversees daily operations. Duties of the office include preparing the court system's annual budget; providing judicial education, law libraries, computers, equipment, training and technical support for judges and other court personnel; assisting judges with case assignments; administering payroll accounts for the court system; conducting orientation for new judges; administering the official state criminal court reporters system; providing assistance to judicial committees; compiling data; and disbursing funds to court-appointed attorneys representing indigents and providing support to the Child Support Referees Program.

#### II. Program Coverage

##### GRANTS TO BE ADMINISTERED BY THE ADMINISTRATIVE OFFICE OF THE COURTS FISCAL YEAR 2008-2009

| Grant Name                     |  | Annual Funding |  | Allotment Code |  | Grant Period       |
|--------------------------------|--|----------------|--|----------------|--|--------------------|
| Access to Visitation           |  | \$209,853      |  | 302.27         |  | 9/1/08 – 8/31/09   |
| Child Support Referees         |  | \$2,314,091    |  | 302.08         |  | 7/1/08 – 6/30/09   |
| Court Improvement Program      |  | \$315,624      |  | 302.27         |  | 10/1/08 – 9/30/10  |
| Court Improvement Training     |  | \$256,875      |  | 302.27         |  | 10/1/08 – 9/30/10  |
| Court Improvement Data Sharing |  | \$265,752      |  | 302.27         |  | 10/1/07 – 12/30/09 |
| Child Support Demonstration    |  | \$647,400      |  | 302.20         |  | 1/1/06 – 12/31/09  |
| Juvenile Justice Training      |  | \$60,000       |  | 302.16         |  | 10/1/08 – 9/30/09  |
| ICJ Portal Access              |  | \$65,393       |  | 302.27         |  | 10/1/08 – 9/30/09  |
| TLAP Outreach Program          |  | \$74,800       |  | 302.50         |  | 7/1/08 – 6/30/09   |

### **III. Title VI Coordinator**

The responsibility for coordinating Title VI for the Administrative Office of the Courts is assigned to Cynthia H. Saladin, Human Resources Manager.

Cynthia H. Saladin  
Administrative Office of the Courts  
511 Union Street, Suite 600  
Nashville, TN 37219  
Phone: (615) 741-2687

The Title VI coordinator's duties will include monitoring recipients' compliance with Title VI and the guidelines set forth by the Administrative Office of the Courts. The coordinator will develop annual Title VI implementation plan updates, compile reports describing Title VI compliance and related activities, and address complaints under the procedures outline in this plan. The ultimate responsibility for complying with Title VI is vested with the Administrative Director of the Courts, who is accountable for overall administration of the programs and contracts of the Administrative Office of the Courts.

### **IV. Civil Rights Policy**

The purpose of Title VI of the Civil Rights Act of 1964 is to prohibit programs that receive federal funds from discriminating against participants or clients on the basis of race, color or national origin.

The Administrative Office of the Courts reaffirms its Judicial Branch Equal Employment Opportunity Policy which states that "It is the policy of the judicial branch to promote equal employment opportunity and to eliminate unlawful discrimination and harassment of individuals because of sex, national origin, religion, creed, color, age, veteran status, disability, race or other non-merit facts. A work environment free of all discriminatory practices and harassment shall be provided." To promote our commitment to this policy, all employees are required to attend the Department of Personnel Training Division class "Preventing Sexual Harassment in the Workplace." All managers and administrators are required to attend "Preventing Sexual Harassment in the Workplace for Management."

This policy applies to all aspects of programs and services operated by or through contracts or subcontracts from the Administrative Office of the Courts.

### **V. Prohibition Against Discriminatory Practices**

The Administrative Office of the Courts prohibits the following practices committed on the basis of race, color or national origin:

1. Denying any individual service, aid or other benefit provided under the program;
2. Providing any service, aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

3. Subjecting an individual to segregation or separate treatment in any matter related to his or her receipt of any service, aid or other benefit under the program;
4. Restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, aid or other benefit under the program;
5. Treating an individual differently from others in determining whether he or she satisfies any requirement or condition which individuals must meet in order to be provided any service, aid or other benefit under the program;
6. Denying an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him or her the opportunity to do so which is different from that afforded others under the program;
7. Subjecting an individual to discrimination in employment practices under such program; or
8. Addressing an individual in a manner that denotes inferiority.

## **VI. Definitions:**

**Beneficiaries:** Those persons to whom assistance, services or benefits are ultimately provided.

**Compliance:** The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of services or benefits on the basis of race, color or national origin.

**Complaints:** A verbal or written allegation of discrimination which indicates that any federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.

**Discrimination:** To make any distinction between one person or group of persons and others intentionally, by neglect, or by the effect of actions or lack of actions based on race, color or national origin.

**Federal Assistance:** Any funding, property or aid provided for the purpose of assisting a beneficiary. Federal financial assistance may be in the form of property, technical assistance, grants or partnerships and does not refer solely to the distribution of funds.

**Minority:** A person or group of persons differing from others in some characteristics and often subjected to differential treatment on the basis of race, color or national origin.

**Noncompliance:** Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.

**Public Notification:** Process of publicizing information on the availability of programs, services, benefits and the right to file a Title VI complaint.

**Service Delivery Area:** The area served by a service delivery point in the administration of federally assisted programs.

**Service Delivery Point:** The place in which federally assisted program services or benefits are administered to the public.

**Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-4:** Federal law prohibiting discrimination based on race, color or national origin. It covers all forms of federal aid except contracts of insurance and guaranty. It does not cover employment, except where employment practices result in discrimination against program beneficiaries or where the purpose of the federal assistance is to provide employment.

## **VII. Compliance**

The overall responsibility for complying with the provisions of Title VI is vested in the Administrative Director. The Administrative Director shall appoint a Title VI Coordinator who will perform reviews and report on Title VI compliance annually. If Title VI deficiencies are noted, prompt and corrective action shall be taken. The Administrative Office of the Courts shall inform those eligible for programs about all available services and about their rights under Title VI. The Administrative Office of the Courts will collect data on who is being served by the programs offered. The Administrative Office of the Courts will maintain and report records of compliance to the federal agency administering the programs.

## **VIII. Staff and Budgetary Resources and Training**

The Director of the Administrative Office of the Courts has overall responsibility for ensuring Title VI compliance. The responsibility for coordinating Title VI is assigned to the Human Resources Manager. The Title VI Coordinator monitors Title VI compliance for the Agency and alerts the Director of any complaints or noncompliance issues that require action. The current Title VI Coordinator is Caucasian. The Title VI Coordinator shall appoint such support staff as required for plan development implementation and periodic training. In addition, external resources may be utilized to provide training.

In an effort to provide all individuals with equal access to the judicial system, the Administrative Office of the Courts created the Court Interpreter Credentialing Program. This program tests each interpreter's ability to understand English terminology and accurately interpret it into the languages spoken by persons with limited English proficiency. Upon completing the required examinations, workshops, and criminal background checks, the interpreters are added to a roster that is distributed periodically to the courts and updated frequently on the office's website. The Court Interpreter Credentialing Program is a member of the Consortium for State Court Interpreter Certification. The AOC utilizes the Consortium's Written Examination and Oral Examination as well as Language Testing International's Oral Proficiency Interview ("OPI") and ALTA Languages Services, Inc. for language proficiency in the target language and English.

For fiscal year 2008-2009, the written examination was offered in August, November, February and May. The OPI (oral proficiency interview) is offered twice per month in Jackson, Knoxville, Chattanooga, and Nashville. The Court Interpreter Credentialing Program administered the Spanish oral interpreting examination for interpreters possessing "registered"

status in October, March and June. Oral interpreting examinations for languages other than Spanish were offered in September and April.

As of June 30, 2009, the following languages had the following number of credentialed interpreters:

| <b>CERTIFIED LANGUAGE</b> | <b>QUANTITY</b> |
|---------------------------|-----------------|
| Spanish                   | 42              |
| Japanese                  | 1               |
| Arabic                    | 1               |

| <b>REGISTERED LANGUAGE</b> | <b>QUANTITY</b> |
|----------------------------|-----------------|
| Spanish                    | 39              |
| Arabic                     | 2               |
| German                     | 1               |
| Vietnamese                 | 1               |
| Mandarin Chinese           | 1               |
| Russian                    | 2               |
| Tagalog                    | 1               |

In September 2008, the Court Programs Specialist presented a one-hour program at the Tennessee General Sessions Judicial Conference on interpreter issues. A one hour program was also presented by the Court Services Director at the May and June 2009 Clerks of Court conferences on interpreter issues.

### **LEGAL BASE AND PURPOSE**

The legal base for Limited English Proficiency (LEP) Plans extends back to Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal financial assistance from discriminating against or excluding individuals on the basis of race, color, or national origin. The United States Supreme Court has determined that excluding participants due to inability to speak English may constitute discrimination on the basis of national origin. Lau v. Nichols, 414 U.S. 563 (1974).

In the year 2000, former President Clinton required that all federal agencies, including the Department of Justice, create LEP regulations for all agencies receiving their financial assistance. As a result, the Department of Justice (DOJ) promulgated regulation 28 CFR 42.104(b) (2) which requires state courts to provide “meaningful access to LEP persons.” With these regulations tied directly to federal funding, the requirement to provide meaningful access to LEP persons is not limited to the specific program or activity receiving federal funding. Rather, coverage extends to all of the Tennessee Courts’ programs and activities. LEP persons are defined as individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English.

### **COURT INTERPRETER CREDENTIALING PROGRAM**

In an effort to provide all individuals with equal access to the judicial system, the Administrative Office of the Courts (AOC) created the Court Interpreter Credentialing Program. The program tests each interpreter’s ability to understand English terminology and

accurately interpret into the language spoken by persons with limited English proficiency. Upon completing the required workshop, examinations, criminal background check, citizenship form, and oath, the interpreters are added to a statewide roster. The AOC frequently updates the roster on its website and the roster is distributed periodically to the courts. Additionally, the AOC sought and obtained legislative funding for interpreter services in indigent defense cases.

The AOC is charged with and does provide continuing education programs for judges and clerks. The court interpreter program has developed bench cards for general sessions and trial judges, clerks, and attorneys. In addition to providing the courts with qualified interpreters, the AOC has provided each judicial district with at least one set of simultaneous interpreting equipment. The equipment improves the court participant's ability to hear and understand the interpreter and provides the interpreter with the flexibility to move around the courtroom when necessary.

The AOC is making an effort to increase the number of languages, other than Spanish (LOS) interpreters, by collaborating with various community organizations including Catholic charities, Tennessee Foreign Language Institute, university foreign language departments, and the Tennessee Association of Professional Interpreters and Translators (TAPIT). The AOC holds quarterly conference calls to address issues of the interpreter community, and Tennessee courts that currently use non-credentialed LOS interpreters. In particular, the court interpreter program increased the number of times written exams are offered in FY 2008-2009 to enhance the overall number of interpreters, which will be beneficial to Title VI program. In addition, the AOC applied for and received grant funding from American Recovery and Reinvestment Act of 2009 (ARRA) through the Edward Byrne Memorial Justice Assistance Competitive Grant Program.

## **TITLE VI NEEDS ASSESSMENT**

The AOC requested assistance from the Tennessee Judicial Conference, Tennessee General Session Judges Conference, Tennessee Council of Juvenile and Family Court Judges, and the Tennessee Clerks of the Court Conference in determining foreign language interpretation services that are most requested in the Tennessee court system through a foreign language needs assessment survey. Changes have since been implemented based on results received from the survey.

| <b>Ranking by Party Request</b> | <b>Language</b>                  |
|---------------------------------|----------------------------------|
| 1                               | Spanish                          |
| 2                               | Vietnamese                       |
| 3                               | Korean                           |
| 4                               | Mandarin Chinese                 |
| 5                               | Arabic                           |
| 6                               | Laotian, Russian, Nur (Sudanese) |
| 7                               | Somali, Indian Languages         |
| 8                               | Bosnian/Serbian/Croatian         |
| 9                               | Kurdish                          |
| 10                              | Farsi, French, German            |
| 11                              | Khmer (Cambodian)                |

Based on survey results, the AOC has translated legal documents into Spanish (60), Vietnamese (70), and Korean (70), which are the three (3) most requested languages for court. These documents are accessible on the AOC website.

The AOC is making an effort to increase the number of languages, other than Spanish (LOS) interpreters, by collaborating with various community organizations including Catholic charities, Tennessee Foreign Language Institute, university foreign language departments, and the Tennessee Association of Professional Interpreters and Translators (TAPIT). The AOC holds quarterly conference calls to address issues of the interpreter community, and Tennessee courts that currently use non-credentialed LOS interpreters. In particular, the court interpreter program will increase the number of times written exams are offered in FY 2008-2009 to enhance the overall number of interpreters, which will be beneficial to Title VI program.

## **IX. Statement of Assurances**

The Administrative Office of the Courts hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964, public law 88-352 and any directives and regulations issued pursuant to that act to the effect that:

“No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Assurance is hereby given that the Administrative Office of the Courts will immediately take any measures necessary to effectuate compliance and this assurance is given for the purpose of obtaining any and all federal financial assistance.

## **X. Public Notification**

The Title VI Implementation Plan for Administrative Office of the Courts is posted on the Supreme Court web page (<http://www.tncourts.gov/>). Complaint forms are accessible as downloads. Fact sheets and posters have been distributed to judicial personnel and to programs servicing the court system with instructions to display in a prominent location. These efforts will inform staff, beneficiaries and potential beneficiaries of the court's nondiscrimination policy and the procedures for filing a complaint.

## **XI. Compliance Reviews**

The Title VI Coordinator may conduct on-site monitoring visits if deemed necessary. Any complaints will be reported to the Title VI Coordinator. Compliance reviews determine compliance and noncompliance in the delivery of benefits and services in federally assisted programs.

## **XII. Complaints of Discrimination**

Any person alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination. At the complainant's discretion, the complaint may be filed with (1) the Title VI coordinator of the Administrative Office of the Courts, (2) the appropriate federal agency or (3) the recipient agency. It is not necessary to know the identity of the complainant, so long as the information is sufficient to determine the identities of the recipient and indicates the possibility of a violation. Complaints may be filed on the complaint form found in Appendix A. If a complaint is received in another format, the Title VI coordinator must complete the complaint form with the relevant information received. Complaints should be handled within 90 days of their receipt. A letter should be sent acknowledging receipt of the complaint and requesting a time and date an investigator can contact the complainant by telephone to discuss the complaint. A preliminary inquiry shall be conducted on all complaints to substantiate or refute the allegations. If the preliminary inquiry indicates that there may be a problem, then a full complaint investigation shall be initiated. A letter will be sent to the complainant explaining that an investigation will be started and that their cooperation will be needed in the future. If the allegations are not substantiated, a letter will be sent to the complainant that contains a description of the allegations investigated, the scope of the investigation, the facts learned and a closing statement summarizing the basis on which the determination was made. Copies of complaints and their dispositions will be kept for records and submission to the proper federal authorities.

## **XIII. Effecting Compliance**

Any contracting agency or governmental unit found to be in noncompliance with Title VI shall be given written notice from the Director of the Administrative Office of the Courts. However, failure to eliminate the source of noncompliance within 90 days of receipt of the written notice will be considered as a violation of the terms of the contract and a basis for contract suspension, termination or rejection.

## **XIV. Goals**

- To ensure all judicial branch activities are in compliance with Title VI.
- To update judicial branch employees on new Title VI development.
- To update or revise other sections within the plan periodically.

## **XV. Major Objectives**

To develop awareness and assure compliance with Title VI legislation.